



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

F.#2011R02050  
Disc 6

271 Cadman Plaza East  
Brooklyn, New York 11201

April 11, 2012

**Via ECF and Hand**

Richard Rehbock, Esq.

Re: United States v. Nicholas Santora  
Criminal Docket No. 12-0050 (S-2)(CBA)

Dear Counsel:

In advance of trial, and pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to defendant SANTORA. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendant

A. MDC Recordings

Bates number 11 is a compact disc containing telephone calls made by defendant SANTORA from the Metropolitan Detention Center (MDC). The government intends to introduce portions of these calls in its case in chief at trial.

Description	Defendant(s)
MDC Telephone calls dated 1/31/12 - 2/28/12	SANTORA

3. Documents and Tangible Items

Description	Bates Number
MDC inmate visitor, telephone and commissary records for Nicholas Santora	1-10
Draft Transcript of Consensual Recording dated 10/4/11	12
Draft Transcript of Consensual Recording dated 8/30/11	13
Draft Transcript of Consensual Recording dated 10/12/11	14
Draft Transcript of Consensual Recording dated 10/12/11	15
Draft Transcript of Consensual Recording dated 9/13/11	16
Draft Transcript of Consensual Recording dated 8/23/11	17
Draft Transcript of Consensual Recording dated 8/8/11	18
Draft Transcript of Consensual Recording dated 8/16/11	19
Draft Transcript of Consensual Recording dated 11/9/11	20
Draft Transcript of Consensual Recording dated 10/25/11	21
Draft Transcript of Consensual Recording dated 9/9/11	22

4. Reports of Examinations and Tests

The government will provide you will copies of any reports of examinations or tests in this case, as they become available.

5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert

the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

6. Other Material

The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

7. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendants' possession, custody or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendants' possession, custody, or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to

avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony the defendants intend to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have further questions or requests, please contact us.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York

By: \_\_\_\_\_ /s/  
Jack Dennehy  
Assistant U.S. Attorney  
(718) 254-6133

cc: Clerk of the Court (CBA)